REMARKS

Supplemental Information Disclosure Statement

A Supplemental Information Disclosure Statement (IDS) is being filed concurrently herewith. Entry of the cited references are respectfully requested.

Claims 1-3, 5-10, 12-14, 16, 18, 19, 22, 24-27, 29-34, 36, 41, 42 and 44-49 have been rejected under 35 U.S.C. 102(e) as being anticipated by Benetti et al. (U.S. 5,894,843 or '843). Claims 4, 11, 17, 21, 28, 35, 43 and 50 have been rejected under 35 U.S.C. 103(a) as being unpatentable over the '843 patent.

Applicants' note the Examiner's remarks with respect to Benetti, but respectfully traverse the continued rejection of the claims. The failure of Benetti to disclose or suggest the claimed invention is clearly illustrated in connection with Figure 5 of the present application. In Figure 5, a connector 76 is threaded underneath the artery 86 such that the artery is positioned between the connector and the surface of the retaining element indicated by numeral 94. The occluder 63 shown in Figure 7 of Benetti operates by downward compression of the artery. There is no teaching in Benetti that the artery be compressed between the connector and a surface of the retaining element. There is no description or illustration of the structure shown, for example, in Figure 5 of the present application. There is no surface above the artery in either Figure 1 or Figures 5 and 5A of Benetti. Thus, there is no disclosure in Benetti of the two elements operating to compress and occlude the artery between them. Reconsideration of the claims is respectfully requested.

CONCLUSION

In view of the amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone call would expedite the prosecution of this case, the Examiner is invited to call the undersigned at (508) 879-5700.

Respectfully submitted,

BOWDITCH & DEWEY, LLC

By

Thomas O. Hoover
Registration No.: 32,470
Telephone: (508) 879-5700
Facsimile: (508) 929-3073

Framingham, Massachusetts 01701-9320
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MARKED UP VERSION OF AMENDMENTS

Claim Amendments Under 37 C.F.R. § 1.121(c)(1)(ii)

1.   (Twice Amended) A surgical device for a coronary bypass procedure comprising:

a retaining element having an aperture defining an operative site; and

a holder on the retaining element, the holder positioned to attach a connector to the retaining element, the connector being positioned by the holder to extend underneath an artery such that the connector compresses <u>and occludes</u> the artery against a surface on the retaining element at a first arterial position on a first side of the operative site and at a second arterial position on a second side of the operative site.

25.   (Twice Amended) A surgical retractor for a coronary bypass procedure comprising;

a retaining base having an aperture that exposes an operative site, the base including a cord retainer;

a holder on the retaining base; and

a cord that attaches to the holder such that artery tissue can be compressed <u>and occluded</u> between the cord and the retaining base and held stationary relative to the retaining base with the cord and the cord retainer.

41.   (Twice Amended) A disposable surgical retractor for a coronary bypass procedure comprising;

a plastic retaining base having an aperture that exposes an operative site, the aperture extending along a longitudinal axis of the base;

a plurality of holders on the retaining base such that a first holder is positioned on a first side of the aperture and a second holder is positioned on a second side of the aperture, the first holder and the second holder being positioned to attach a cord to the retaining base such that the cord compresses <u>and occludes a</u>

coronary artery <u>positioned between the cord and</u> [against] a portion of the retaining base; and

an arm attached to the base and extending above the base such that a user can position the base at the operative site with the coronary artery exposed through the aperture.